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SENSITIVE  
SIPDIS

FOR EUR/CARC; DRL

E.O. 12958: N/A

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SUBJECT: AZERBAIJANI JOURNALIST AGIL KHALIL FORCED TO  
ATTEND TRIAL

REF: BAKU 00596

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¶1. (SBU) The Azerbaijani judiciary moved forward with its effort to force opposition journalist Agil Khalil to testify at the trial of Sergey Strelkalin. (Per reftel, the Prosecutor General's office maintains that Strelkalin stabbed Khalil in a homosexual lovers' quarrel. Khalil denies that Strelkalin assaulted him.) On July 1, a Baku municipal court (Nasimi district) held another session of the Strelkalin trial, and Khalil was not present. Presiding judge Shahin Abdullayev ruled to resume the trial on July 3, ordering that the Nasimi District police would be responsible for ensuring Khalil's appearance at the trial.

¶2. (SBU) Khalil was not present at the opening of the trial on July 3, and Judge Abdullayev ordered the police to bring Khalil to the court. Approximately 75 minutes later, the trial resumed with Khalil being escorted into the courtroom by Ministry of Justice officials. Khalil refused to speak until his lawyer -- Elchin Sadikhov -- arrived. (Sadikhov was present at the opening of the trial, but had to go to the Supreme Court for a separate case while the police were bringing Khalil to the Nasimi district court. Sadikhov, who handles many human rights cases, privately told us he believes the GOAJ intentionally is scheduling several trials during a similar time frame to make his job more difficult.)

¶3. (SBU) Sadikhov raised several motions, arguing that the GOAJ had inadequate grounds for its criminal proceedings against Strelkalin. Sadikhov argued that Khalil's denial that Strelkalin had attacked him obviated Strelkalin's admission and removed any basis for the criminal investigation, given. Sadikhov noted that the court unfairly accepted Strelkalin's testimony as true, while regarding Khalil's statements to court investigators as contradictory. The judge denied this motion, and Sadikhov countered with a separate motion to terminate the case and begin a new criminal investigation. The judge took a recess to deliberate, at which point most of the trial monitors had to leave. At one point, Sadikhov jostled with Strelkalin's defense lawyer, observing that Sadikhov is arguing on behalf Strelkalin and Strelkalin's lawyer should appreciate this service. Strelkalin blurted out that this is not Elchin's business and he should attend to his own affairs.

¶4. (SBU) Trial monitors from the OSCE, Norwegian Embassy, and the EU Commission were present. We will continue to monitor the case.

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